

**REMARKS**

Claims 1-24 are pending in this application.

The present claim amendments are made in response to Non-final office action dated 23 February 2006.

The Examiner has rejected Claim 5 under 35 U.S.C. § 112, second paragraph as being as being indefinite. Specifically, the Examiner believe the phrase "represented by SEQ ID NO: 30" renders the claim vague and indefinite. Claim 5 has been amended to delete this term. Withdrawal f this rejection is respectfully requested.

The Examiner has rejected Claims 1-24 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and for failing to meet the enablement standard. Specifically, the Examiner believes the claims contain subject matter which was not described in the specification in such as way as to reasonably convey to one skilled in the art that the inventor(s) was in possession of the claimed invention.

The Examiner notes on page 5 of the present office action that the "specification provides guidance and working examples for an HCHL expression cassette of SEQ ID NO: 30 (Example 3); a tissue specific promoter of SEQ ID NOs: 26, 43, 44, 45, 46, 49, 81, 82, and 83 (Examples 4, 6-9), a nucleic acid molecule encoding a 4-hydroxycinnamoyl CoA hydratase/lyase (HCHL) of SEQ ID NOs: 5, 6, 58, 59, 60, 61, 62, 63, and 64 (Examples 1-2, 8, and 9); and para-hydroxybenzoic acid UDP-glucosyltransferase of SEQ ID NOs: 65, 66, and 67." The Applicants acknowledge the Examiner's comments and have made the following claim amendments. Claims 1, 5, 9, 11, 14, 17, and 23 have been amended. Support for these amendments can be found throughout the specification and no new matter is introduced by way of these amendments, thus Applicants ask that they be entered. Claims 3-4, 6-8, 10, 12-13, 15, 18, 20-22, and 24 have been cancelled.

Independent claims 1 and 17 now incorporate the structural limitations found within the dependent claims. Specifically, the sequences to the tissue-specific promoters as found in original claims 4 and 21 have been incorporated into independent claims 1 and 17. Additionally, the sequences for the nucleic acid

molecules encoding polypeptides having hydroxycinnamoyl CoA hydratase/lyase activity (subject matter of dependent claims 8) has been incorporated into independent claim 1. The subject matter of dependent claim 18 has been incorporated into independent claim 17.

The Applicants have removed the limitation of having at least one gene encoding a para-hydroxybenzoic acid UDP-glucosyltransferase in claims 1 and 17. The Applicants note that plants endogenously have UDP-glucosyltransferase activity, and thus, a plant recombinantly expressing the claimed HCHL expression cassettes using the present tissue specific promoters will produce para-hydroxybenzoic acid, para-hydroxybenzoic acid glucoside, and/or mixtures thereof. In a dependent embodiment, the plant further comprises at least one nucleic acid molecule encoding a polypeptide having UDP-glycosyltransferase activity selected from the group consisting of SEQ ID NOs: 65, 66, and 67 operably linked to a suitable regulatory sequence. As noted in the present application, recombinant expression of the UDP-glucosyltransferases of SEQ ID NOs: 65, 66, and 67 is a preferred embodiment as the these UDP-glucosyltransferases selectively form the pHBA ester glucoside. As stated in the section entitled "Plant Gene Expression" (page 28 of the present application), recombinant expression of the nucleic acid molecules encoding the UDP-glucosyltransferase of SEQ ID NOs: 65, 66, and 67 does not require the use of the present tissue-specific promoters. As such, any suitable plant promoter/terminator known in the art can be used.

Based on these Amendments and remarks, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, for lack of written description and enablement be withdrawn.

### Conclusion

In view of the foregoing, Applicants respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Therefore, allowance of the above-referenced application is respectfully requested. If the Examiner believes, for any reason, that personal communication

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will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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